

**CARIBBEAN COURT OF JUSTICE**

**PRACTICE DIRECTION**

**ELECTRONIC SUBMISSION (FILING) AND SERVICE OF DOCUMENTS VIA  
THE CARIBBEAN COURT OF JUSTICE E-FILING PORTAL**

**1. Authority**

1.1. This Practice Direction is made by the President pursuant to Part 17.1(2) of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2015 (“Appellate Jurisdiction Rules”) and Part 6.1(2) of the Caribbean Court of Justice (Original Jurisdiction) Rules 2015 (“Original Jurisdiction Rules”).

**2. Commencement**

2.1 This Practice Direction will come into force on 10<sup>th</sup> January 2017.

**3. Introduction**

3.1. Part 6 of the Appellate Jurisdiction Rules and Part 9 of the Original Jurisdiction Rules provide for the filing and service of documents. Part 6.1(1)(d) of the Appellate Jurisdiction Rules and Part 9.2(1)(d) of the Original Jurisdiction Rules, provide for the submission of documents for filing by the method of electronic filing (e-filing) or by “any other electronic means approved by or under the Rules”. The introduction of an electronic means of filing and service of documents will improve access to justice by increasing efficiencies, timeliness and reducing costs. A review of the filing fees is being carried out at this time in view of the introduction of this electronic filing system.

3.2. This Practice Direction approves an electronic means for the filing of documents in accordance with Part 6.1(1)(d) of the Appellate Jurisdiction Rules and Part 9.2(1)(d) of the Original Jurisdiction Rules for the period of January 10, 2017 to July 31, 2017 in the first instance.

- a. It applies to all existing cases as well as new cases commenced on or after January 10, 2017 and can be used to file documents to start or continue cases that are already before the Court.
- b. It is subject to all procedural rules of the Caribbean Court of Justice Appellate Jurisdiction and Original Jurisdiction rules 2015 and any applicable practice directions, subject to any exclusion or revision within this Practice Direction.

#### **4. Operation of Electronic filing system**

- 4.1. An internet portal has been developed to enable e-filing of documents to the Caribbean Court of Justice Registry by uploading and submitting all documents in accordance with this Practice Direction.
- 4.2. This e-filing portal enables parties to issue proceedings and file documents online at any time during or outside normal Court office opening hours including weekends, public holidays and during Court breaks.

#### **5. Electronic Submission of Documents**

- 5.1. Documents may be submitted for filing electronically through the registry's e-filing portal. In order to file documents using this portal, a party must –
  - a. Access the portal by visiting the Caribbean Court of Justice website at [www.caribbeancourtofjustice.org](http://www.caribbeancourtofjustice.org) and clicking on the link to the e-filing portal;
  - b. Register a new account or log into an existing account;
  - c. Enter details of a new case or use details for an existing case;
  - d. Upload the document(s) associated with that case;
  - e. Give an undertaking to pay the appropriate fee; and
  - f. Submit the document(s).

#### **6. Format of Documents**

- 6.1. Documents submitted electronically must not be password protected and must be -
  - a. Prepared electronically using MS Word or open office or any other Word Processor in .doc, .dox, .txt, .rtf, .pdf formats; and
  - b. Converted into Portable Document Format (PDF) before uploading.
- 6.2. Where the document is not a text document, the document must be scanned using an image resolution of 300 dpi (dots per inch) and saved as a PDF document.
- 6.3. Documents submitted through the e-filing portal must comply with the requirements specified in Part 5.5 (1) of the Appellate Jurisdiction Rules 2015 and Part 5.4 (1) of the Original Jurisdiction Rules 2015 –

Paper size: letter size of approximately 11 inches (28 cm) long by 8.5 inches (21.5 cm) wide

Margins: 1.5 inches (3.5 cm) at top and bottom  
1.5 inches (3.5 cm) at the left side  
1 inch (2.5 cm) at the right side

- 6.4. The aggregate size of a document cannot exceed 100 MB (megabytes) for one submission.
- 6.5. Where the aggregate size of a document exceeds 100 MB (megabytes) the large document must be separated into multiple smaller documents not exceeding 100 MB ((megabytes) each. Thereafter, each document must be submitted as one part of the whole, e.g., – “part 1 of 3”, “part 2 of 3”, “part 3 of 3” and so on.

6.6. Exhibits must be uploaded and submitted separately from the corresponding principal document.

6.7. Each exhibit must be uploaded separately, e.g., – “exhibit one Contract”, “exhibit two cheque”, “exhibit three Certificate of title”, and so on.

## 7. Electronic Signatures

7.1. The e-filing portal supports the use of electronic signatures on documents subscribed by the registered filing party including the Notice of Application, Notice of Appeal, Application for Interlocutory order, Originating Application, Application for Special Leave, Affidavits, Written submissions and authorities.

7.2. These documents are not required to bear the electronic image of the handwritten (wet) signature of the filing party but may be signed in the following manner when electronically filed using the e-filing portal through a registered user’s login and password.

/s/ MARY WHITE  
email: marywhite@gmail.com  
Bar Number 12345  
Attorney for (Applicant/Defendant)  
ABC Law Firm  
123 Broad Street, Bridgetown  
Barbados  
Telephone: (246) 123-4567

7.3. Where parties file documents using the e-filing portal, scanned original documents that are signed with a wet signature must be made available for inspection if required by another party to the proceedings and/or by order of the Court.

## 8. Filing outside business hours

8.1. Any document submitted through the e-filing portal for filing outside business hours (8:00 am to 4:00 pm Mondays to Fridays) or on a public holiday, Saturday, or Sunday, or any other period during which the Registry is closed, will be deemed filed as soon as the registry is next open.

8.2. All other Rules in the Appellate and Original Jurisdictions relating to holidays and computation of time apply to documents filed using the e-filing portal provided that any period during which the e-filing system is non-operational for any reason will be excluded from the computation of time.

## **9. Fees**

- 9.1.** The prescribed fees set out in the Rules are payable on all documents filed electronically and an undertaking must be given by the filing party at the time of filing to pay the appropriate fee(s) at a later date upon receipt of an invoice from the Registrar.

## **10. Processing by the Registry**

- 10.1.** The Registry will review all documents submitted for filing for compliance with the Rules and this Practice Direction.

- a.** Where a document has been submitted using the e-filing portal, an automated notification will be generated which will appear in the message centre of the account registered to the filing party. A notification acknowledging that the document has been submitted and is being reviewed will also be sent to the filing party by text message (sms) or email as previously selected by that party during registration.
- b.** A document submitted using the e-filing portal that complies with the Rules and this Practice Direction shall be filed.
- c.** A document submitted for filing that does not comply with the Rules and this Practice Direction shall be returned to the filing party along with a notice of the reason(s) for non-acceptance and may be amended and resubmitted for filing.
- d.** Each filed document shall be stamped, dated and paginated sequentially based on the case number under which the document is filed or based on the case number that is assigned to the document if the document filed commences a new case.
- e.** An electronic certificate will be applied to all documents accepted by the registry for filing. The electronic certificate validates the authenticity of the document as being duly filed in the registry.
- f.** Once a document has been duly filed in the registry, an automated notification will be generated which will appear in the message centre of the account registered to the filing party and will also be sent by sms or email, as the case may be, to the filing party to confirm that the document has been filed and to confirm the date and time of filing.

- 10.2.** Subject to paragraph 8 above, a document to which an electronic certificate has been applied shall be deemed to be filed on the date and time that the document was submitted to the e-filing portal, provided that where a document has not been accepted for filing and is resubmitted through the e-filing portal, the date and time of filing shall be the date and time of resubmission of that document.

## **11. Electronic Service of documents**

- 11.1.** Pursuant to Part 6.9 of the Appellate Jurisdiction Rules and Part 9.9 of the Original Jurisdiction Rules it is directed that any document required to be served may be served electronically.

- 11.2.** Unless the Court or the Rules otherwise require, any document filed using the e-filing portal (e-filed document) that is required to be served must be served by the relevant party and not the Court.
- 11.3.** Electronic service of e-filed documents may be effected through the electronic service address of a party which includes:
- a.** An account at an electronic legal service provider or
  - b.** An electronic mail (email) address.
- 11.4.** A party specifically consents to accept electronic service by:
- a.** serving and filing a notice or written consent on any other party, that the party accepts electronic service. The electronic service address at which the party agrees to accept service must be stated in the notice or written consent;
  - b.** electronically filing any document or acknowledging service of any document electronically. The party is deemed to agree to accept service at the electronic service address from which the electronic filing or acknowledgment is made, provided that self-represented parties must affirmatively consent to electronic service as provided under subparagraph (a);
  - c.** including an electronic service address in the address for service of a document filed pursuant to Part 5.5 (4) (vi) and Part 5.4 (4) (vi) of the Appellate and Original Jurisdiction Rules, provided that self-represented parties must affirmatively consent to electronic service as provided under subparagraph (a);
  - d.** registering an account on the e-filing portal. The email address provided during registration shall be the electronic service address for the registered party.
- 11.5.** An electronic service address is presumed valid for a party if the party files electronic documents with the Court from that address and has not filed and served notice that the address is no longer valid.
- 11.6.** A party that has consented to electronic service under 11.4 must promptly notify the Court and other parties electronically of any change in their electronic service address.
- 11.7.** A party that receives a document that is served electronically and is unable to view or download the document must promptly notify the serving party and the serving party shall take all reasonable steps to ensure that the document can be viewed and downloaded.
- 11.8.** A document served to an electronic service address is considered served on the date and time that it is sent.

## **12. Proof of service**

**12.1.** Electronic confirmation of delivery shall serve as proof of service for all documents served electronically provided that if any dispute arises as to whether service occurred, it shall be resolved by the Registrar or a single Judge pursuant to Part 9.2 (h) of the Appellate Jurisdiction Rules and Part 21.2 (g) of the Original Jurisdiction Rules.

**12.2.** Electronic confirmation of delivery shall include:

- a.** E-mail delivery or read receipt;
- b.** Confirmation from an electronic legal service provider that the document was delivered to the recipient party's account at that service provider;
- c.** Confirmation that an imbedded hyperlink in the message envelope was accessed;
- d.** Acknowledgement of receipt by the recipient party, counsel or paralegal; or
- e.** Other means sufficient to satisfy the Court that the document(s) came to the notice of the recipient party.

## **13. Electronic Service by or on the Court**

**13.1.** The Court may electronically serve any notice, order, judgment, or other document issued by the Court on a party to a case by delivering same to the electronic service address of that party.

**13.2.** A party may serve a document electronically on the Court by filing same through the e-filing portal.

## **14. Repeal of Practice Direction No. 1 of 2013**

**14.1.** Practice Direction number 1 of 2013 (Electronic Submission and Service of Documents) is hereby repealed effective the 10<sup>th</sup> January 2017.

Issued by the President of the Caribbean Court of Justice pursuant to Part 17.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2015 and Part 6.1 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2015 on this 30<sup>th</sup> day of December 2016.

/s/ CMD Byron

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**The Rt Hon Sir Dennis Byron**  
President  
Caribbean Court of Justice